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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION

14 SMITHKLINE BEECHAM CORPORATION, )  
d/b/a GLAXOSMITHKLINE, )  
15 )  
Plaintiff, )  
16 )  
vs. )  
17 )  
ABBOTT LABORATORIES, )  
18 )  
Defendant. )

Case No. C 07-5702 CW

*Related by Order to:*

Case No. C-04-1511 CW

**STIPULATION EXTENDING MOTION  
TO COMPEL DEADLINE RELATING TO  
REMAINING FACT DISCOVERY ISSUE**

The Honorable Judge Wilken

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception  
2 of certain issues for which this Court has extended the discovery deadline in its Orders dated  
3 February 25, 2009 (Dkt. 130), March 13, 2009 (Dkt. 142), March 17, 2009 (Dkt. 147), March 20,  
4 2009 (Dkt. 150), April 29, 2009 (Dkt. 159), May 18, 2009 (Dkt. 161) and May 26, 2009 (Dkt.  
5 163);

6 WHEREAS, the current deadline for motions to compel relating to written discovery  
7 served in January 2009 by Abbott Laboratories ("Abbott") on GlaxoSmithKline ("GSK"), and by  
8 GSK on Abbott, as set out in the May 26, 2009 Order, is May 28, 2009;

9 WHEREAS, the parties have resolved all but one remaining discovery dispute, namely  
10 Abbott's Response to GSK Interrogatory No. 17;

11 WHEREAS, an additional, modest extension will allow Abbott to amend its response to  
12 GSK Interrogatory No. 17 in a final attempt to resolve this issue without Court intervention;

13 **IT IS HEREBY STIPULATED AND AGREED:**

14 1. Abbott agrees to amend further its response to Interrogatory No. 17 of GSK's  
15 Second Set of Interrogatories by June 3, 2009;

16 2. GSK and Abbott agree that any motion to compel by GSK relating to Abbott's  
17 response to GSK Interrogatory No. 17 shall be filed by June 9, 2009, and that any such motion  
18 should be initially filed in the form of a 2-page letter brief before Judge Zimmerman;

19 3. Nothing in this stipulation shall expand the parties' rights to seek relief by the  
20 Court on any discovery issue, except as set forth herein.


1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

2  
3  
4 /s/ Trevor Stockinger  
Trevor Stockinger  
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5 1800 Avenue of the Stars, Suite 900  
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6 *Attorney for GSK*

/s/ Matthew Campbell  
Matthew Campbell  
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*Attorneys for Defendant Abbott Laboratories*

7  
8  
9 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

10  
11 Dated: June 8, 2009

  
\_\_\_\_\_  
Judge Claudia Wilken  
United States District Court  
Northern District of California

**GENERAL ORDER 45 ATTESTATION**

I, Joshua Y. Karp, am the ECF User whose ID and password was used to file this  
STIPULATION EXTENDING MOTION TO COMPEL DEADLINE RELATING TO  
REMAINING FACT DISCOVERY ISSUE. In compliance with General Order 45, X.B., I hereby  
attest that the above counsel concurred in this filing.

Dated: May 28, 2009

/s/ Joshua Y. Karp  
Joshua Y. Karp  
Irell & Manella LLP  
Counsel for Plaintiff